

## **REMARKS**

### **Status of the Claims**

Claims 1, 2, and 4-17 are pending in this application.

Claims 1, 2, 5-7,9, and 11-15 are rejected.

Claims 4 and 10 are objected to.

Claims 4 and 12-15 have been canceled, without prejudice.

Claims 1, 7-8, and 10 have been amended.

Support for these amendments can be found throughout the specification, claims, and drawings, as originally filed.

### **Interview Summary**

Applicant kindly thanks Examiner for the telephonic interview. The Examiner interview was conducted between Examiner Omar Flores-Sanchez and Applicant's Representative Gregory Ozga on September 16, 2008. The interview discussed the extensive prosecution history of the case and whether amending the independent claims by adding the allowable subject matter would place the application in condition for allowance. The Examiner confirmed that adding the allowable subject of claim 4 or 10 to the independent claims would overcome the cited art, but that an additional search would be required to confirm patentability. Applicant agreed to place the case in condition for allowance. Due to the extensive prosecution of the case and in an effort to efficiently expedite the case, Examiner agreed to contact Applicant prior to sending an Office Action if an additional search finds proposed prior art. Examiner indicated that

the Applicant is moving closer to placing the application in condition for allowance and that Examiner is willing to work with the Applicant.

**Rejection of Claims 7 Under 35 U.S.C. § 112**

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Office Action states that rejected claim 7, which depends from independent claim 1, is indefinite because there is insufficient antecedent basis for the limitation "said upper adaptor plate." Applicant submits that rejected independent claim 7 of the present invention has been amended without prejudice to recite:

The die adaptor system of claim 1 wherein said lower surface of said upper die shoe further comprises an upper binder holder, wherein said upper binder holder has a centrally located aperture for receiving said upper adaptor plate.

Applicant believes this amendment renders claim 7 definite. Therefore, Applicant requests removal of the rejection.

**Rejection of Claims 1, 2, and 11 Under 35 U.S.C. § 102(b)**

Claims 1, 2, and 11 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 4,930,334 to Buehler et al.

Anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. The law is clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim from which it depends.

Regarding independent claim 1, the Office Action states that claim 4 is objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Without admitting or denying whether or not rejected claims 1, 2, and 11 are patentable over the prior art, Applicant, solely for the purpose of moving this case to allowance, has amended independent claim 1 to include all of the limitations of claim 1 and claim 4 depending therefrom. The Office Action indicated that this would place independent claim 1 in allowable format. Therefore, Applicant respectfully requests removal of the rejection and allowance of amended independent claim 1 and claims 2 and 11 depending therefrom.

**Rejection of Claims 5, 6, 7, 9, and 11 Under 35 U.S.C. § 103(a)**

The Office Action states that Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 4,939,334 to Buehler et al. in view of U.S. Patent No. 6,537,053 B1 to Watkins. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 4,939,334 to Buehler et al. in view of U.S. Patent No. 5,600,991 to Munzen. Claims 7 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 4,939,334 to Buehler et al. Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 4,939,334 to Buehler et al. as applied to claim 7 above, and further in view of U.S. Patent No. 6,537,053 B1 to Watkins. Applicant respectfully submits that rejected independent claim 1, from which claims 5, 6, 7, 9, and 11 ultimately or directly depend, has been amended.

Regarding dependent claims 5, 6, 7, 9, and 11, which depend from independent claim 1, the Office Action states that claim 4 is objected to as being dependant upon the

rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Without admitting or denying whether or not rejected claims 5, 6, 7, 9, and 11 are patentable over the prior art, Applicant, solely for the purpose of moving this case to allowance, has amended independent claim 1 to include all of the limitations of claim 1 and claim 4 depending therefrom. The Office Action indicated that this would place independent claim 1 in allowable format. Therefore, Applicant respectfully requests removal of the rejection and allowance of claims 5, 6, 7, 9, and 11, which depend from amended independent claim 1.

#### **Allowable Matter**

The Office Action states that claim 8 is allowed. Applicant kindly thanks the Examiner for stating that claim 8 is allowed. The Office Action also states that claims 4 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant kindly thanks the Examiner for indicating that the above dependent claims would be allowable. At this time Applicant has amended claim 1 to include the limitations of dependent claim 4. Therefore, Applicant believes that independent claim 1 and claims 2, 5-7, 9, and 11 depending therefrom are in allowable form. Furthermore, Applicant has amended claim 10 to be an independent claim which includes all the limitations of its underlying base claim. Therefore, Applicant believes that independent claim 10 is in allowable form. Applicant notes that the Office Action indicates that claims 16-17 were previously withdrawn as being directed to a non-elected species, however, Applicant maintains that independent claim 1 is now an

allowable generic claim, therefore, Applicant respectfully request allowance of these claims by virtue of the fact that a generic claim has been allowed.

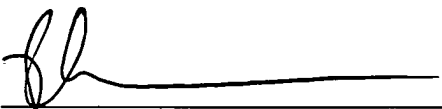
### CONCLUSION

Without admitting or denying whether or not rejected claims 12-15 are patentable over the prior art, Applicant, solely for the purpose of moving this case to allowance has canceled claims 12-15. It is respectfully submitted that in view of the above amendments and remarks the claims 1, 2, 5-11, and 16-17 as amended, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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